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Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the United Nations

Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council

Report of the Secretary-General

I. Introduction

1. The present progress report has been prepared in response to paragraph 5 of General Assembly resolution 52/161 of 15 December 1997, in which the Assembly requested the Secretary-General, taking into account the views expressed and the practical suggestions made during the debate held within the framework of the Sixth Committee, to make every effort to implement in a timely manner the steps proposed in paragraph 59 of his 1997 report (A/52/317 and Corr.1) regarding the preparation and publication of the supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* with a view to updating them and to submit a progress report on the matter to the General Assembly at its fifty-third session.

2. In paragraph 59 of his 1997 report, the Secretary-General had noted that the Assembly might wish to:

(a) Take note of the efforts made to address the difficulties faced by the Secretariat in bringing the publications up to date;

(b) Note that, for the *Repertory*, volumes III (Articles 55-72 of the Charter of the United Nations) and IV (Articles 73-91) of Supplement No. 5 (covering the years 1970 to 1978) would be completed by the end of 1999 and volume VI (Articles 92-105 and 108-111) of Supplement No. 6 (covering the years 1979 to 1984) would be completed by mid-1998;

(c) Note that Supplement No. 10 of the *Repertoire* (covering the period 1985–1988) would be completed by 1998;

(d) Endorse the proposal to merge the *Repertory* and the *Repertoire*;

(e) Request the Secretary-General to continue to make efforts to identify resources to undertake the work required to issue the two publications in a timely manner;

(f) Take note that *Repertory*-related tasks would be included as distinct activities within future programme budgets of the Secretariat units concerned.

3. The present report contains a review of the progress made in the preparation of the *Repertory* supplements, particularly those referred to in paragraph 2 (b) above, the steps undertaken by the Secretariat to expedite the preparation of supplements to the *Repertory* and the status of the *Repertory*, as well as an assessment of the action required.

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4. General information regarding the *Repertory* and the *Repertoire* and their origins and history, may be found in the note by the Secretariat prepared, pursuant to paragraph 4 (f) of General Assembly resolution 50/52 of 11 December 1995, to facilitate consideration of the status of those publications by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (A/AC.182/L.87 and Corr.1).

II. Steps undertaken by the Secretariat to expedite the preparation of supplements to the *Repertory of practice of United Nations Organs*

A. Interdepartmental Committee on Charter Repertory

5. In order to implement General Assembly resolutions 51/209 and 52/161, the Interdepartmental Committee on Charter Repertory has been reconvened since 1997. The Committee is composed of representatives of all Secretariat units involved in the preparation of supplements to the *Repertory*, and is responsible for directing and overseeing the preparation and publication of those supplements.

6. During the period under review, the Committee considered such matters as the proposed revision of the cycles of the *Repertory* supplements, the redistribution of studies allocated to Secretariat units, and the identification, within the programme budget for 1998–1999, of the necessary resources needed to implement the programme outlined in the report of the Secretary-General (A/52/317 and Corr.1), as endorsed by the General Assembly in resolution 52/161.

1. Redeployment of financial resources for the preparation of the *Repertory*

7. Pursuant to General Assembly resolution 52/161, in which the Assembly requested the Secretary-General to make every effort to implement in a timely manner the steps proposed in his report (A/52/317 and Corr.1), and on the basis of the understanding at the time of the adoption of the resolution that the costs of preparation and publication of the *Repertory of Practice of United Nations Organs* (Supplement No. 5, vols. III and IV, Articles 73-91, covering the years 1970 to 1978; and Supplement No. 6, vol. VI, Articles 92-105 and 108-111, covering the years 1979 to 1984) would be covered from within the programme budget for 1998–1999, efforts were made to identify resources within the programme budget for 1998–1999. Accordingly, resources for the priority volumes of the *Repertory* were identified under the external printing account of the programme budget for 1998–1999. The decision to use the appropriation under the external printing was based on the premise that there were savings under the external printing during the previous bienniums owing, to some extent, to the underutilization of funds since substantial work on the *Repertory* was not completed.

8. The efforts made by the Secretariat to identify the required resources within the programme budget for 1998–1999 resulted in the identification, within the first year of the biennium, of the funds required in 1998 for the priority supplements of the *Repertory* (Supplement No. 5, vols. III and IV, and Supplement No. 6, vol. VI). Resources that were identified in 1998 were made available to the departments and offices concerned (see annex II to the present report) for implementation in mid-August 1998. To enable the Secretariat units to complete the work within the deadline stipulated in paragraph 59 (b) of the report of the Secretary-General (A/52/317 and Corr.1), similar funding should be made available early in 1999. To this end, the Office of Programme Planning, Budget and Accounts of the United Nations Secretariat is in the process of identifying additional resources for 1999 from within the programme budget for 1998–1999 for the completion of the supplements as early as possible.

2. Amendment of the cycles of the *Repertory* supplements

9. Pursuant to the endorsement by the General Assembly in its resolution 52/161 of the proposed merger of the *Repertory* and the *Repertoire*, the Interdepartmental Committee on Charter Repertory decided to amend the cycles of the *Repertory* supplements to coincide with those of the *Repertoire*. Accordingly, the periods of time covered by *Repertory* supplements Nos. 6 to 8 are: Supplement No. 6, 1 January 1979 to 31 December 1984; Supplement No. 7, 1 January 1985 to 31 December 1988; and Supplement No. 8, 1 January 1989 to 31 December 1994.

3. Redistribution of *Repertory* studies allocated to Secretariat units

10. As a result of the restructuring of the Secretariat in 1998, the allocation of *Repertory* studies to various Secretariat units was revised. The updated distribution of studies agreed upon by the Interdepartmental Committee on Charter Repertory is contained in annex I to the present report. With the addition of the Department for Disarmament

Affairs and the Office for Outer Space Affairs, the number of Secretariat units involved in preparing draft studies for the *Repertory*, including those which were not involved in work on the *Repertory* in the past, has increased from seven to nine.

B. Training seminars on preparing the Repertory, conducted by the Office of Legal Affairs

11. The Office of Legal Affairs, in its capacity as overall coordinator for the preparation of the *Repertory*, conducted a series of training seminars on the preparation of the *Repertory*, open to all participating departments of the Interdepartmental Committee. The seminars, held from 15 to 18 June 1998, were focused on researching and writing techniques and provided participants with the opportunity to share common experiences and discuss the overall approach. Further seminars will be held as required.

C. Recourse to interns

12. Interns are an important source of external assistance in undertaking work on the *Repertory*. Departments responsible for the work have been engaging them to conduct basic research, collect and compile documents and, in some cases, prepare drafts. Every attempt is made to select the most suitable candidates, and substantial time is spent in training them and in supervising and reviewing their work. With proper training and supervision, which involves a substantial commitment of time by staff members, the contribution made by interns is often valuable.

13. Resort to assistance from interns is further limited by the regular two-month time limit placed on their period of service. Although the possibility of extension for a third month exists, it is worth reiterating that the experience of Secretariat units has been that a substantial amount of training is required to enable interns to make a meaningful contribution. Such training is time-consuming and starts to produce results only after the first or second month, by which time the internship period is coming to an end. This is a particular problem when dealing with Articles of the Charter covering extensive practice and activities of various organs. In such cases, interns are rarely able to complete a study, leaving portions for someone else to finalize. This piecemeal approach can prove disruptive and necessitates increased supervision by staff members so as to ensure continuity.

III. Status of the *Repertory of Practice of United Nations organs*

A. Preparation of volumes referred to in paragraph 59 (b) of the report of the Secretary-General (A/52/317 and Corr.1)

14. It may be recalled that the Secretary-General anticipated that volumes III (Articles 55-72) and IV (Articles 73-91) of Supplement No. 5 of the *Repertory* (covering the period 1970-1978) would be completed by the end of 1999, and that volume VI (Articles 92-105 and 108-111) of Supplement No. 6 (covering the period 1979–1984) was to be completed by mid-1998 (A/52/317 and Corr.1, para. 59 (b)). While it may not be possible for Secretariat units to complete those volumes within the deadline indicated by the Secretary-General, work on the volumes is continuing with a view to completing them as early as possible.

15. With regard to volume III of Supplement No. 5, some work was undertaken by the Department of Economic and Social Affairs primarily on the basis of the utilization of savings from the previous biennium. The Department is continuing to work on its part of the volume with funds made available for that purpose. The Office of the United Nations High Commissioner for Human Rights and the Department of General Assembly Affairs and Conference Services undertook no work on the articles allotted to them.

16. A complete preliminary draft text is available of volume IV of Supplement No. 5. The two offices responsible for the volume, the Department of Political Affairs and the Department of General Assembly Affairs and Conference Services, will review, revise and finalize the text.

17. With regard to volumes III and IV of Supplement No. 5, it is still the view of the Secretariat units concerned that, provided the necessary resources are also made available in 1999, there is a fair prospect of completing the preparation of draft studies within the current biennium, as envisaged by the Secretary-General. It should, however, be noted that the reduction of the envisaged time-period from two years to practically one year would further constrain the ability of the departments concerned to complete their work in a timely manner.

18. Work on volume VI of Supplement No. 6 was undertaken primarily by the Office of Legal Affairs on the basis of draft texts previously prepared. Most of the draft texts were completed by mid-1998, and submitted to Documents Control for editing in August. In the case of the Articles assigned to the Office of Human Resources

Management, it is envisaged that they will be completed before the end of 1998. It is also expected that volume VI of Supplement No. 6 will be published in the first part of 1999.

B. Preparation of further volumes of the *Repertory*

19. After work is completed on the three priority volumes mentioned in section A above, volumes I to V of Supplement No. 6 should be prepared next (see A/52/317 and Corr.1, para. 16). While some draft studies for the remaining volumes of Supplement No. 6 were prepared by a few departments during 1998, the existing texts cover only a small portion of the work required. Indeed, the majority of the studies will have to be prepared de novo.

20. Although it is hoped that this work will be completed during the next biennium, it has not been possible to establish a timetable for the production of those volumes. Most Secretariat units concerned continue to hold the view that, until such time as additional human and financial resources are made available to them for the purpose of undertaking further work on the *Repertory*, their resource situation will not permit them to undertake further work on the project.

IV. Assessment of the action required

A. Identification and distribution of resources for volumes III and IV of Supplement No. 5 of the *Repertory of Practice of United Nations organs*

21. The lengthy process of redeploying the necessary funds for 1998 seriously curtailed the ability of the departments concerned to undertake the timely preparation of *Repertory* volumes in accordance with the programme outlined by the Secretary-General in his report (A/52/317 and Corr.1). While some resources for activities programme for 1998 were made available in mid-August 1998, the ability of the departments concerned to meet the anticipated deadline for the preparation of volumes III and IV of *Repertory* Supplement No. 5 will depend upon the prospect of the redeployment of further resources early in 1999.

22. All departments concerned, both directly as participants in the preparation of the *Repertory* and indirectly as the Secretariat units responsible for the identification and allocation of human and financial resources, will continue to coordinate their activities with a view to completing volumes III and IV of *Repertory* Supplement No. 5.

B. Inclusion of the *Repertory* within the proposed programme budgets for future bienniums

23. While it is envisaged that the remaining volumes of Supplement No. 5 will be completed by the end of the 1998–1999 biennium, subject to the availability of adequate resources in 1999, and that volume VI of Supplement No. 6 will be completed by the end of 1998, work on further volumes of Supplement No. 6 will continue to the extent allowed by the resources placed at the disposal of the relevant departments. Preliminary estimates of the work months required for the preparation of volumes I to V of Supplement No. 6 are included in annex III to the present report.

24. It should be pointed out that, even if sufficient resources were made available for the remaining volumes of Supplement No. 6 to be completed by the end of the 2000–2001 biennium, the backlog of the *Repertory* would only be reduced up to the end of 1984 and would still be nearly 20 years behind.

25. Experience has confirmed that any sustained attempt to reduce this massive backlog requires placing the efforts of the departments concerned on a sound financial footing. It is clear that such a sustained effort cannot be successfully undertaken with the present level of resources. Therefore, in order to reduce the backlog, adequate additional resources would have to be included in future programme budgets. In this regard, *Repertory*-related tasks will be included as distinct activities within relevant sections of future proposed programme budgets, with a view to ensuring that future work on the *Repertory* is supported with adequate resources. The level of resources required for the work on the backlog volumes for periods after 1984 which will be included in future programme budgets will be based upon the order of priority to be assigned to each of the supplements.

V. Status of the *Repertoire of the Practice of the Security Council*

26. The work on the eighth and ninth supplements to the *Repertoire of the Practice of the Security Council* in French,

covering, respectively, the periods 1975–1980 and 1981–1984, has been completed and submitted for printing. The work on the tenth supplement, covering the period 1985–1988, has been completed and the supplement is scheduled for publication by mid-1999. Drafting of studies for the eleventh supplement, covering the period 1989–1992, has commenced.

VI. Steps undertaken to expedite the preparation of supplements to the *Repertoire of the Practice of the Security Council*

A. Redeployment of financial resources for the preparation of the *Repertoire*

27. Renewed attention devoted by Member States to the *Repertoire of the Practice of the Security Council* and the *Repertory of Practice of United Nations Organs* has been helpful in that it made it possible, at the end of the biennium 1996–1997, to initiate and carry out the redeployment of a relatively small amount of unutilized funds for the preparation of the two publications. The resources thus provided enabled the Secretariat to employ three consultants to assist in the initiation of studies for the eleventh supplement to the *Repertoire*, covering the period 1989–1992. Furthermore, the same funds were used to hire two more consultants who completed the indexing of the eighth and ninth supplements in French, covering the periods 1975–1980 and 1981–1984, respectively.

B. Recourse to consultants and interns

28. The limited funds provided at the end of 1997 made it possible to utilize consultants. Despite the need to familiarize them with the processes involved in the drafting of the *Repertoire* studies, their contribution made progress possible. The recourse to the use of interns continued during the reporting period. The difficulties encountered in the use of interns for the *Repertoire* are similar to those experienced with regard to the *Repertory*, as outlined in paragraphs 12 and 13 above.

VII. Conclusions

29. In the period under review, the Secretariat focused on the implementation of General Assembly resolution 52/161, regarding the preparation of volumes III and IV of Supplement No. 5 and volume VI of Supplement No. 6, and continued to review the question of the preparation of volumes of the *Repertory of Practice of United Nations Organs*. Volume VI of Supplement No. 6 will be published in the first part of 1999. Volumes III and IV of Supplement No. 5 will be completed according to the agreed timetable, provided that resources in 1999 are made available in a timely manner.

30. While the Secretariat will continue to identify resources for the completion of volumes III and IV of Supplement No. 5 and volume VI of Supplement No. 6 within the biennium, an adequate budgetary basis would have to be established for future work on volumes of the *Repertory*, especially as regards the remaining volumes of Supplement No. 6.

31. In the current biennium, the Secretariat will continue to monitor closely the progress achieved in the preparation of the relevant Supplement to the *Repertoire of the Practice of the Security Council*, covering the period 1989–1992, on the basis of complementing existing staff resources with consultants and, where possible, interns, together with increased use of information technology to facilitate the research work.

32. In the light of the above, the General Assembly may wish to:

(a) Take note of the difficulties faced by the Secretariat in bringing, on the basis of existing resources, the *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council* up to date in a sustained manner;

(b) Note that volumes III (Articles 55-72) and IV (Articles 73-91) of Supplement No. 5 (covering the years 1970 to 1978) of the *Repertory* will be completed by the end of 1999, subject to the continued availability of resources to do so;

(c) Note that the *Repertoire* supplement covering the period 1985–1988 will be published before the end of the biennium 1998–1999 and that work on the eleventh supplement, covering the period 1989–1992, is scheduled for completion by the end of 2001;

(d) Note that, upon completion of the eleventh supplement, there will still be a backlog of the *Repertoire* for the period 1993 to date. As outlined with respect to the

Repertory (see para. 25 above), it will be necessary to include adequate resources in the programme budgets for future bienniums in order to bring the *Repertoire* up to date;

(e) Request the Secretary-General to continue to undertake efforts to identify resources to complete the work required to issue the two remaining volumes of Supplement No. 5;

(f) Take note that *Repertory*-related tasks will be included as distinct activities within relevant sections of future programme budgets of the Organization, starting with the biennium 2000–2001.

Annex I

Secretariat units bearing primary responsibility for the preparation of studies on individual provisions of the Charter of the United Nations

Office of Legal Affairs	Articles 1 (1), (3) and (4), 2 (1) to (3) and (5) to (7), 7, 13 (1) (a), 92 to 99, 102 to 105 and 108 to 111
Department of Political Affairs	Articles 1 (2), 2 (4), 3 to 6, 10, 12, 14, 16, 23 to 39, 73–85, 87, 88 and 107
Department of Political Affairs and Department of Peacekeeping Operations	Articles 40 to 54 and 106
Department for Disarmament Affairs	Article 11
Department of General Assembly Affairs and Conference Services	Articles 9, 15, 18, 20 to 22, 60, 61, 62 (3) and (4), 65–70 and 72, 86, 89, 90 and 91
Department of Management	Articles 17, 19, 100 (1) and 101
Department of Management and Office of Legal Affairs	Article 100 (2)
Department of Economic and Social Affairs	Articles 8, 13 (1) (b) and (2), 55 (a) and (b), 57 to 59, 62 (1), 63, 64 and 71
Office of the United Nations High Commissioner for Human Rights	Articles 13 (1) (b), 55 (c), 56 and 62 (2)
Office for Outer Space Affairs	Article 13 (1) (a)

Annex II

Consolidated estimates for the preparation of volumes of the *Repertory of Practice of United Nations Organs* referred to in paragraph 59 (b) of the report of the Secretary-General (A/52/317 and Corr.1)

Supplement No. 5 (1970–1978)[a]

Volume	*Department*	*Assigned Article*	*Work-months*[b]
III (Articles 55–72)[c]	Department of Economic and Social Affairs[d]	55 (a) and (b), 57–59, 62 (1), 63, 64, 71	35
	Office of the United Nations High Commissioner for Human Rights	55 (c), 56, 62 (2)	45
	Department of General Assembly Affairs and Conference Services	60, 61, 62 (3) and (4), 65–70, 72	28
IV (Articles 73–91)[e]	Department of Political Affairs[d]	73–85, 87, 88	36
	Department of General Assembly Affairs and Conference Services	86, 89–91	Covered by Department of Political Affairs costs

Supplement No. 6 (1979–1984)

Volume	*Department*	*Assigned Article*	*Work-months*
VI (Articles 92–105, 108–111)[f]	Office of Legal Affairs[d]	92–99, 102–105, 108–111	6[g]
	Office of Human Resources Management	100 (1), 101	3
	Office of Human Resources Management, Office of Legal Affairs	100 (2)	Completed

[a] An additional 14 work-months would be required by the Office of Legal Affairs to review and finalize the draft studies of volumes III and IV of Supplement No. 5.

[b] The estimates include requirements for both Professional and General Service staff.

[c] To be completed by the end of 1999.

[d] Coordinating department.

[e] To be completed by the end of 1999.

[f] To be completed by the end of 1998.

[g] Includes work-months required for the review and finalization of the prepared draft studies.

Annex III

Consolidated estimates for the preparation of the remaining volumes of Supplement No. 6 to the *Repertory of Practice of United Nations Organs*, covering the period 1979–1984[a]

Volume	*Department*	*Assigned Article*	*Work-months*[b]
I (Articles 1–8)	Office of Legal Affairs[c]	1 (1), (3) and (4), 2 (1) to (3) and (5) to (7), 7	10
	Department of Political Affairs	1 (2), 2 (4), 3–6	8
	Department of Economic and Social Affairs	8	4
II (Articles 9–22)	Department of General Assembly Affairs and Conference Services[c]	9, 15, 18, 20–22	40
	Department of Economic and Social Affairs	13 (1) (b) and (2)	20
	Office of Legal Affairs	13 (1) (a)	6
	Office of the High Commissioner for Human Rights	13 (1) (b)	10
	Department of Political Affairs	10, 12, 14, 16	24
	Office of Human Resources Management	17, 19	6
	Department for Disarmament Affairs	11	Completed
	Office for Outer Space Affairs	13 (1) (a)	Completed
III (Articles 23–54, 106, 107)	Department of Political Affairs[c]	23–39, 107	24
	Department of Political Affairs, Department of Peacekeeping Operations	40–54, 106	40
IV (Articles 55–72)	Department of Economic and Social Affairs[c]	55 (a) and (b), 57 to 59, 62 (1), 63, 64, 71	36
	Office of the High Commissioner for Human Rights	55 (c), 56, 62 (2)	18
	Department of General Assembly Affairs and Conference Services	60, 61, 62 (3) and (4), 65–70, 72	28

Volume	*Department*	*Assigned Article*	*Work-months*[b]
V (Articles 73-91)	Department of Political Affairs[c]	73–85, 87, 88	3
	Department of General Assembly Affairs and Conference Services	86, 89–91	Covered by Department of Political Affairs costs

[a] An additional 30 work-months would be required by the Office of Legal Affairs to review and finalize the draft studies of volumes I to V of Supplement No. 6.

[b] The estimates include requirements for both Professional and General Service staff.

[c] Coordinating department.